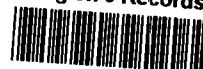


January \_\_, 1993

EPA Region 5 Records Ctr.



275705

Addressees to be:

Acme Wrecking Co.  
American Barrel  
Anthony L. Rack Excavating  
Cincinnati Cleaning & Finishing Co.  
Clarke's Disposal  
    a/k/a Clarke's Sanitary Landfill  
        Clarke's Sanitary Fill  
        Clarke's Services, Inc.  
C.L. Hopkins & Sons  
C.M. Paula Co.  
Darin & Armstrong Construction Co.  
David Hirschberg Co.  
Edward Espy's Waste Collection Service  
Erma Raney Waste Collection  
Fox Paper Company  
H&W Waste Collection Service  
Hawks Waste Collection  
John F. Bushelman Construction Co.  
John J. Witton Trucking  
John L. Loomis, Inc.  
King Container Service  
King Wrecking Co.  
Vaughn Building Co.

City of Deer Park  
City of Lincoln Heights  
City of Sharonville  
Village of Monroe

Re: Skinner Landfill Superfund Site, Butler County, Ohio;  
Second Request for Information Pursuant to CERCLA § 104(e).

Dear \_\_\_\_\_

The United States Environmental Protection Agency (EPA) is requesting information regarding the nature of materials sent or transported to the Skinner Landfill Superfund Site in Butler County, Ohio, from 1934 through 1990.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby required to respond to the Information Request set

January \_\_\_\_, 1992

Page 2

forth in the Enclosures accompanying this letter. Information provided by the former site operator and/or related parties indicates that you are or may be a potentially responsible party (PRP) with regard to the Skinner Landfill Site.

Compliance with the Information Request set forth in the Enclosures is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter (which includes providing ambiguous, evasive, or incomplete answers), or to adequately justify such failure to respond, can result in enforcement actions by EPA pursuant to Section 104(e) of CERCLA, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

If you have any legal questions, please direct them to John Breslin, Esq., . If you have any technical questions, please direct them to . Also, please be advised that certain parties have formed a Steering Committee for response to EPA's concerns regarding this Site. You may obtain information concerning the Steering Committee from Brent Schindler, Esq., at (517) 636-5410.

Thank you for your cooperation concerning this matter.

Sincerely,

Director, Waste Management Division

## ENCLOSURE

### GENERAL INSTRUCTIONS

1. Provide Information about the Period Being Investigated: 1955 - 1980. Although this request may seek information about activities that occurred many years ago, you are required to answer each question to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You are also required to seek out such information and documents from your employees, past employees and agents. You may provide estimated dates and data, designating them as such, when precise information is not available. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.

2. Continuing Obligation to Provide Information. If additional information or documents become known or available to you after you respond to this Information Request, you must supplement your response to EPA. If, at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. Failure to amend the response may be construed as a concealment. If any part of the response to this Information Request is found to be untrue, the signatory to the response and the company may be subject to criminal prosecution.

3. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). Attach a cover sheet, stamped or typed legend, or other notice employing language such as "trade secret" or "proprietary" or "company confidential" to such information at the time it is submitted. Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of, the procedures provided in 40 C.F.R. sections 2.201-2.311. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

4. Disclosure to EPA Contractor. Information which you submit in response to this Information Request will be disclosed by EPA to authorized representatives of the United States, pursuant to

40 C.F.R. § 2.310(h), notwithstanding your assertion that all or part contains confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to its private contractor Techlaw, Inc. whom it has retained to organize and analyze the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within ten (10) days of receiving this Information Request. In addition, EPA may disclose this response, with the exception of confidential business information, to the PRP Steering Committee.

#### INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., Volume 40 of the Code of Federal Regulations (CFR), or other applicable statute or regulation, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations, companies, or operations of the addressee.
2. The term "arrangement" shall mean any agreement between two or more persons.
3. The term "broker" shall mean the person that is listed as the "customer" on Skinner Landfill records with respect to a transaction involving waste material that was generated by another company.
4. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:
  - a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation), any of the following:
    - 1) invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
    - 2) letter, correspondence, fax, telegram, telex;

- 3) minutes, memoranda of meetings and telephone and other conversations, telephone messages;
  - 4) agreement, contract, and the like;
  - 5) diary, calendar, desk pad, journal;
  - 6) bulletin, circular, form, pamphlet, statement;
  - 7) report, notice, analysis, notebook;
  - 8) graph or chart; or
  - 9) copy of any document.
- b) microfilm or other film record, any photograph, sound recording on any type of device;
- c) any tape or other type of memory generally associated with computers and data processing together with:
- 1) the programming instructions and other written material such as punch card, disc or disc pack, tape or other type of memory; and
  - 2) printouts such as punch card, disc or disc pack, tape or other type of memory; and
- d) drafts and other backup documents such as
- 1) every copy of each document which is not an exact duplicate of a document which is produced, including every copy which has any writing, figure or notation, annotation or the like on it;
  - 2) attachments to or enclosures with any document; and
  - 3) every document referred to in any other document.

4. The term "generator" shall mean the person whose act or process produces waste material, or whose act first causes a waste material to be subject to regulation.

5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business address and business telephone number (or if this is not available, last known home address and home telephone number), and (c) present or last known employer (include full name and address) with job title, position or business.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth: (a) its full name, (b) complete street address, (c) legal form (e.g., corporation, partnership, etc.), (d) the state under whose laws the entity was organized, and (e) a brief description of its business.

7. The term "identify" means, with respect to a document, to provide its customary business description (e.g., letter, invoice), its date, its number if any (e.g., invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

8. The term "materials" shall mean any and all objects, goods, substances, or matter of any kind. "Materials" shall include but not be limited to wastes, non-hazardous materials, hazardous substances, pollutants or contaminants, and hazardous wastes.

9. The term "person" as used herein includes, in the plural as well as singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.

10. The term "site" shall mean the Skinner Landfill facility in West Chester, Butler County, Union Township, Ohio. The site is comprised of approximately 78 acres, bordered to the south by the East Fork of Mill Creek, on the east by Conrail railroad tracks, and on the west by Cincinnati-Dayton Road.

11. The term "transporter" shall mean the person engaged in the transportation of waste material by air, rail, highway, or water.

12. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, solvents, liquid wastes, solid waste, sludge, containers for temporary or permanent holding of wastes, by-products, waste oils, materials to be recycled or treated, hazardous waste, hazardous substances, pollutants or contaminants.

#### INFORMATION REQUEST

1. EPA has information indicating that you sent or took, or had sent or taken, materials to the Skinner Landfill site. Describe all arrangements, whether by contract, agreement or otherwise, you had with the owners, operators or other persons or parties responsible for the Skinner Landfill pertaining to the collection, transport or disposal of materials at that location during the time period 1934 to 1990.

2. Provide copies of all documents evidencing or relating to such arrangements, including contracts, agreements, negotiations, proposals, invoices, bills of lading, manifests, receipts, statements, billings, correspondence, canceled checks, weight receipts, memoranda, etc.

3. Identify, as defined in the instructions, each and every person who you employed during the time period 1934 to 1990, who had or may have had responsibility for transactions between you and the Skinner owners and operators, or who had or may have had knowledge of the collection, transport or disposal of materials

at or to the Skinner Landfill site. Please indicate the job description or role that person held or fulfilled while in your employ. State whether you made inquiry to the person regarding his or her knowledge concerning the Skinner Landfill site, and state the substance of any reply. Provide copies of any and all notes or writings reflecting the results of such inquiry.

4. The enclosed Skinner Logbook Entries Summary indicates that on or about the dates noted, you entered into a collection, transport or disposal transaction with the owners and operators of the Skinner Landfill. Describe the materials that were so involved with the Site, including the type of material, quantity by volume and weight, chemical content, physical state (e.g., liquid, solid), contaminants, pollutants or hazardous constituents which made up the material collected, transported or disposed, and:

a. Identify the sources of the materials that were so involved with the Site and provide copies of all documents identifying the sources and transporters of the materials.

b. Provide copies of all documents evidencing or relating to the collection, transport or disposal of such materials at the Site.

c. State whether any of the materials identified constitute hazardous substances, as defined in CERCLA § 101(14), contain hazardous substances as identified in Section 101(14) of CERCLA, 42 U.S.C. § 9601 (14), or originated with a facility or plant that may have generated wastes constituting or containing hazardous substances. State with specificity the information available to you upon which you base your answer.

d. State whether any of the materials identified exhibit any of the characteristics of a hazardous waste identified in 40 CFR Section 261, Subpart C, or if the transaction in question predates the adoption of RCRA, would today be considered a hazardous waste under RCRA.

e. If the chemical name of the material collected, transported or disposed is known, provide it. If not known, provide the trade name and the manufacturer (if known) of the material.

5. Identify and provide complete information about any additional collections, transports, disposals or transactions between you and the owners or operators of the Skinner Landfill not listed on the enclosed Skinner Landfill Logbook Summary. Describe the materials that were so involved with the Site, including the type of material, quantity by volume and weight, chemical content, physical state (e.g., liquid, solid),

contaminants, pollutants or hazardous constituents which made up the material collected, transported or disposed, and:

a. Identify the sources of the materials that were so involved with the Site and provide copies of all documents identifying the sources and transporters of the materials.

b. Provide copies of all documents evidencing or relating to the collection, transport or disposal of such materials at the Site, including but not limited to, any shipping manifests.

c. State whether any of the materials identified constitute hazardous substances, as defined in CERCLA § 101(14), contain hazardous substances as identified in Section 101(14) of CERCLA, 42 U.S.C. § 9601 (14), or originated with a facility or plant that may have generated wastes constituting or containing hazardous substances. State with specificity the information available to you upon which you base your answer.

d. State whether any of the materials identified exhibit any of the characteristics of a hazardous waste identified in 40 CFR Section 261, Subpart C, or if the transaction in question predates the adoption of RCRA, would today be considered a hazardous waste under RCRA.

e. If the chemical name of the material collected, transported or disposed is known, provide it. If not known, provide the trade name and the manufacturer (if known) of the material.

f. Identify the manner in which the material was containerized, including but not limited to type (i.e. drums, tank truck, bulk, other form), size and number of containers.

g. Describe any warnings or directions given to transporters or site owners/operators in handling the material collected, transported or disposed of at or to the Skinner Landfill.

6. Identify all transporters, haulers or drivers used by you during the time period 1934 to 1990 which may have collected, transported or disposed of materials at or to the Skinner Landfill.

7. For each and every such transporter, hauler or driver, provide the dates of such collections, transports or disposals; all documents related to or reflecting these collections, transports or disposals; identify (as defined in the instructions) the persons or entities from which material was collected, transported or disposed; describe with as much specificity as is known to you the nature of the business conducted by such persons or entities; describe the materials



that were so involved with the Site, including the type of material, quantity by volume and weight, chemical content, physical state (e.g., liquid, solid), contaminants, pollutants or hazardous constituents which made up the material collected, transported or disposed, and:

a. Provide copies of all documents identifying the sources and transporters of the materials.

b. Provide copies of all documents evidencing or relating to the collection, transport or disposal of such materials at the Site.

c. State whether any of the materials identified constitute hazardous substances, as defined in CERCLA § 101(14), contain hazardous substances as identified in Section 101(14) of CERCLA, 42 U.S.C. § 9601 (14), or originated with a facility or plant that may have generated wastes constituting or containing hazardous substances. State with specificity the information available to you upon which you base your answer.

d. State whether any of the materials identified exhibit any of the characteristics of a hazardous waste identified in 40 CFR Section 261, Subpart C, or if the transaction in question predates the adoption of RCRA, would today be considered a hazardous waste under RCRA.

e. If the chemical name of the material collected, transported or disposed is known, provide it. If not known, provide the trade name and the manufacturer (if known) of the material.

8. Identify each and every past or present director, officer, employee, and agent of you or yours who has or has had knowledge of, control over, involvement in, or responsibility for the consignment, shipment, transportation, or other disposition of materials to the Skinner Landfill site.

9. State whether at any time you merged or consolidated with any other entity or company, purchased stock or assets of any other entity or company, previously were known under the name of any other entity or company, or changed your name or assumed the name of any other entity or company, and describe in detail the circumstances of the merger, consolidation, asset or stock purchase, name change or assumption, including, without limitation, dates thereof.

a. With respect to the above, identify all persons with knowledge of or who participated in any way in the merger, consolidation, asset or stock purchase, name change or assumption, and describe the nature and extent of each person's knowledge or participation.

b. With respect to the above, identify all documents relating or referring to the merger, consolidation, asset or stock purchase, name change or assumption.

10. Identify all your present officers, directors and stockholders, and all past officers, directors and stockholders during the time period 1934 to 1990. State the dates of such persons' status as officers and directors and the extent of their responsibilities and day to day management or involvement. For stockholders, state the amount of their ownership.

11. Identify all your insurance carriers who, between 1934 and the present, issued comprehensive general liability policies or other insurance policies that may be the subject of a claim by for coverage, payment, or reimbursement of any liability that may be incurred related to the Skinner Landfill site, identify each such policy, and state the coverage limits thereof. Provide copies of such policies.